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RR RUEHDBU RUEHLN RUEHPOD RUEHSK RUEHVK RUEHYG
DE RUEHMO #0951/01 1041203
ZNR UUUUU ZZH
R 141203Z APR 09
FM AMEMBASSY MOSCOW
TO RUEHC/SECSTATE WASHDC 2865
INFO RUCNCIS/CIS COLLECTIVE
RUEHDX/MOSCOW POLITICAL COLLECTIVE
RHEHNSC/NSC WASHDC
RUEAIIA/CIA WASHDC

UNCLAS SECTION 01 OF 03 MOSCOW 000951

SIPDIS

E.O. 12958: N/A

TAGS: [PGOV](#) [KDEM](#) [PHUM](#) [PINR](#) [RS](#)

SUBJECT: MOSCOW CITY DUMA POSTPONES ELECTIONS TO 2010

¶1. (SBU) This message is sensitive but unclassified; please protect accordingly.

¶2. (SBU) Summary: On March 31, the Moscow City Duma members postponed elections to their own assembly from the originally-planned October 2009 date to March 2010 based on Russia's federal law "On Basic Guarantees of Electoral Rights." Delaying the elections is a precursor to other changes to the Moscow City Duma rules, which could, in theory, improve the registration and campaigning processes. The extension until early 2010 will, incidentally, legitimize a longer term for Moscow's Mayor Yuriy Luzhkov. End Summary.

¶3. (SBU) On March 31, the Moscow City Duma agreed to move its own elections from October 2009 to March 2010 based on Russia's federal law "On Basic Guarantees of Electoral Rights." Moscow City government officials told us that Article 37.2 of this law allows for flexibility concerning the exact election day. Deputy Chairman of the Moscow City Duma and Head of the United Russia faction, Andrey Metelskiy, assured us April 2 that it is legal to hold the elections in either October 2009 or March 2010.

Why Controlling Moscow's Legislature Matters

¶4. (SBU) Election of its members to Moscow's legislature bolsters the image of political parties in Russian regions and enables them to exploit the benefits of publicity and concrete action in future election campaigns throughout the country. Moscow City Duma deputies are able to influence federal institutions by creating city legislation and by building and using close contacts with the federal government for their local Moscow constituencies. In addition to being a large city, Moscow City and St. Petersburg are each among the 83 federal subjects, putting them on par with constituent federal republics and regions, and making Moscow City Duma seats particularly attractive prizes for politicians and parties.

Current Voting Rules

¶5. (SBU) Under current law, the Moscow City Duma elections have a mixed voting system with both single mandate and proportional voting. United Russia dominates the 35-member Moscow City Duma while opposition groups have minimal representation. Deputies elected to fill the 15 single mandate seats, representing Moscow's voting districts, all hail from United Russia. In addition, United Russia dominates the 20 proportional seats with 14 candidates, who serve alongside only four Communist (KPRF) and two Yabloko opposition party members. Independent candidates are allowed to run, but they must do so under the umbrella of a political party. An amendment to the federal election law currently under discussion, which would also apply to regions, would no longer require candidates to pay a registration fee, though they would still need to obtain voter signatures in order to

run. However, political parties with seats in the (national) State Duma, are not required to collect signatures in order to nominate candidates for regional assemblies. (Note: Currently only United Russia, Just Russia, the KPRF, and Liberal Democratic Party of Russia are represented in the State Duma. End Note.) If a party has no representation in the State Duma, Article 34 of the Moscow Electoral Code dictates that single mandate candidates must collect signatures of one percent of voters, on average 5,000 signatures, from the respective districts. In order to field candidates for seats distributed in accordance with the proportional system, a party that is not in the State Duma must collect one percent of the number of Moscow voters, a number which fluctuates, but is typically around 70,000 signatures.

Postponing the Elections to March 2010

¶6. (SBU) Metelskiy maintained that postponement of elections was necessary in light of the economic crisis. According to him, Mayor Luzhkov's priority is to use city resources for social support and essential government payments during the current crisis. Metelskiy estimated that the Moscow City Duma elections would cost 1.5 billion rubles (about USD 44 million), and that the government would prefer to defer this large expense. He reiterated that all decisions related to the elections were legal, unlike in 1995 when the Moscow City Duma deputies extended their term for two years and a subsequent lawsuit ended with a ruling that the Duma had acted illegally. On April 8, Lilia Shibanova, Chairman of the Regional Civic Organization in Defense of Democratic

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Rights and Liberties (GOLOS), told us that since the last Moscow City Duma elections were held on December 5, 2005, it makes sense to postpone the elections in this case. If the elections were held in October 2009, that would result in the Deputies' terms being shortened slightly from the normal length of four years.

Impact of Reforms on the March 2010 Elections

¶7. (SBU) Some election reforms look promising in terms of creating a more democratic voting structure. Shibanova told us that the Moscow City Duma will need to reduce the threshold for parties from ten to seven percent to correspond to the federal election law threshold. While a lower threshold means, theoretically, that more parties might win seats, she noted that that the KPRF, likely to exceed the seven percent barrier in Moscow, might gain additional seats, though Just Russia could draw some votes away from the Communists. In the 2005 elections, 10 parties were registered, but six failed to pass the 10 percent barrier. LDPR, the only party of the six still in existence, received eight percent. Shibanova predicted that in 2010 there would be little difference in comparison with the present City Duma make-up.

¶8. (SBU) If the Moscow voting system were to become strictly proportional, prospects for opposition candidates might be improved further. The six deputies from opposition party members in the current Moscow City Duma won their seats through the proportional system, not through single mandate voting. Shibanova thought that the reforms lowering the threshold and implementing a strict proportional system would be a step forward and would have a positive impact on the registration and campaign processes. But, there is also concern that some of the proposed changes to the Moscow City Duma election process could play out negatively in the planned March 2010 elections. Shibanova told us that experts and politicians have been discussing rumors about changing the Electoral Code before the March 2010 elections in order to extend the term of office for Moscow City Duma deputies from four to five years. (Note: In December 2008, Medvedev

signed an amendment to the Russian Constitution extending the term of State Duma deputies from four to five years. End Note.)

Opposition Parties as Puppets

19. (SBU) While opposition parties in general may have an opportunity to gain seats, the experience of Yabloko demonstrates potential difficulty for opposition parties to be represented in the March 2010 Moscow City Duma. Yabloko's Chairman and Moscow City Duma member Sergei Mitrokhin told us March 27 that he thought Yabloko would be pushed out of the Moscow City Duma, since Moscow Mayor Yuriy Luzhkov would prevent Yabloko from running in the next elections. He stated that he was not sure if Yabloko would even participate since the party will need to collect a yet undetermined number of signatures. Mitrokhin was particularly concerned that Luzhkov would retaliate against Yabloko for having spoken out about corruption involving real estate in Moscow, as well as for having accused the Moscow City government of using its budget for illegal and non-transparent operations. Mitrokhin told us that he believed Luzhkov will engineer elections so as to install in the City Duma a "quiet" opposition party, such as the Kremlin-backed, pro-business Right Cause party.

Manipulation and Back Room Deals

10. (SBU) Despite any positive reforms and assistance for opposition parties, independent observers say chances are slim that Moscow City Duma's elections under Luzhkov will be fair and transparent. According to Shibanova, "back room deals will be made prior to the elections," and "the elections do not mean anything. This is a strong vertical administration, so the elections do not matter in Moscow, which provides lots of resources for United Russia." Shibanova described a Moscow City push for more electronic voting machines. She explained how it is possible to program electronic scanners to get a desired outcome and that actual voting re-counts are not conducted during this type of voting. Finally, Shibanova cited her concern that many unregistered voters in Moscow are not permanent residents, but the military issues Certificates of Temporary Residence for them to vote. These certificates cannot be tracked and people are eligible to vote after living in Moscow for only six months. In short, as long as Luzhkov is in power,

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Shibanova concluded, he will ensure that the Moscow City Duma elections run his way.

Comment

11. (SBU) Postponing the Moscow City Duma elections could also extend United Russia's control and, incidentally, Luzhkov's term in office. Based on the March 2010 elections, the majority party in the Moscow City Duma will not suggest a new mayor to the president until 2011. Metelskiy told us that all possibilities are open concerning Luzhkov's fate, but for now, everyone expects him to maintain stability in Moscow during the economic crisis. Luzhkov may be happy for all the help he can get in light of an April 8 Levada Center survey, which revealed that his popularity among Muscovites is down to only 41 percent. While new legislative measures appear to be window dressing, they could potentially enable Luzhkov and United Russia to exert great control and limit challenges to their monopoly on power.

BEYRLE